

AN  
ACCOUNT  
OF THE  
INJURIOUS PROCEEDINGS  
OF  
Sir George Jeffreys K<sup>nt.</sup>

Late Recorder of LONDON,  
AGAINST

Francis Smith, Bookseller,

WITH HIS  
ARBITRARY CARRIAGE  
TOWARDS THE  
GRAND-JURY,

At GUILD-HALL, Sept. 16. 1680.

Upon an Indictment then Exhibited against the said  
FRANCIS SMITH,

For Publishing a Pretended *LIBEL*; Entituled,  
An Act of Common-Council for Retrenching the Expences of the Lord Mayor  
and Sheriffs of the City of LONDON, &c.

TOGETHER WITH  
An ABSTRACT of very many former Losses, and Publick Sufferings  
Sustained by Him both in his *PERSON* and *ESTATE*.

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*Humbly Submitted to the Consideration of all True ENGLISH-MEN.*

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LONDON, Printed for FRANCIS SMITH, at the *Elephant and*  
*Castle* in CORNHIL near the ROYAL-EXCHANGE.  
1 Febr. 1681



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To the Right Honourable, and my very good Lord,

**Anthony Ashley Cooper,**  
Earl of SHAFTSBURY, &c.

MY LORD,

**A**S Unthankfulness is deservedly reckon'd both by Christians and Heathens a Sin of the deepest Die, so nothing gives a greater lustre to Noble Personages than those Acts of Grace & Goodness which they extend to their Inferiors needing their help and succour.

And I having in many cases experienc'd Your Lordships Kindness towards Me and my Family; I cannot, (without incurring the guilt of the former,) but make my thankful acknowledgments to Your Honour as any Occasion offers it self; And therefore could not omit this Duty at this time, when I am making Publick an Abstract of my Sufferings; In many of which I have been much helped through Your Lordships Goodness, as may appear in this short Narrative.

And my Good Lord, I am under also deep Obligations to Your Honour, not only upon my Private and Single account, but as I am a poor *Protestant Member* of this languishing Nation; being (with all *English-men* that are truly such,) deeply oblig'd to Your Lordships Wisdom, Courage and Sedulity for all the Publick Benefits we enjoy or hope for, as is sufficiently manifest to all Men, except those that are profest or secret Enemies to their Countrey, who have so Industiously fought Your Lordships Destruction; Whom God of his great Mercy to Your Self, (and the whole *Protestant People* of ENGLAND,) Preserve for a further Blessing; So prays He, who is in the deepest sense of Your manifold Favours, My Lord,

Your Most Thankful, and Humble Servant,

FRANCIS SMITH



To My ever to be Esteem'd, and Just Friends,

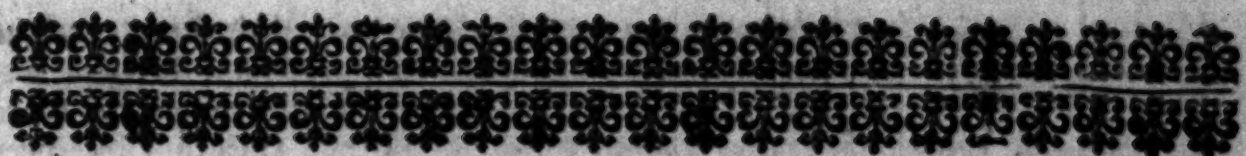
Mr. William Yearth, Mr. Richard Humphreys, Mr. Samuel Lamott, Mr. Elias Best, Mr. Henry Stephens, Mr. Thomas Stephenson, Mr. Thomas Fox, Mr. John Beare, Mr. Nicholas Godwin, Mr. William Meakins, Mr. Isaac Jackson, Mr. Henry Rogers, Mr. Francis Sowersby, Mr. John Barker, Mr. John Lloyd, Mr. William Hussey and Mr. William Brown, late Grand-Jurors for the great City of LONDON.

WORTHY CITIZENS,

**W**hen I call to mind the many grievous Oppressions that have befallen me, by malicious Informations, and Unjust Proceedings, whereof I present You here a short Narrative; And withall, how I have seen other Men and their Families (in a prosperous way of living,) Ruin'd, and brought to Poverty, by either the Inconsiderateness, or Cowardise of Jurors, who have hearken'd more to the Dictates of the Bench, than to the Reason and Nature of the Case before them. I cannot but exceedingly Admire the good Providence of the Almighty towards Me, in calling You to the Office of Grand Inquest for the City of LONDON, at that time when the Indictment (hereto annexed) was Prefer'd against Me; You I say, whom neither Subtile Suggestions, Wheedling Speeches, nor lowd and often-repeated Reproaches and Threats could work upon, to draw You aside from the true Judgement of Your own Consciences. For no Man can Reasonably impute Your Verdict and Constancy to any other Cause: I am sure I had no Previous Acquaintance, or Interest in any one of You, which might in the least byas your Affections towards Me. And the Indictment was drawn with so much Slight and Cunning, That if Your Wisdom and Integrity had not prevented, (in not finding the Bill,) I could not but expect that any Inferior Fury would find me Guilty, and I should have been deliver'd up to the Fierce Ambition of a male-content Judge: So that I do indeed owe to You (next under God) the Preservation of Me, and my Family from Bondage and Misery: For which, I, and mine shall be ever oblig'd to praise God; And so praying for all Your Prosperities, I heartily subscribe my self,

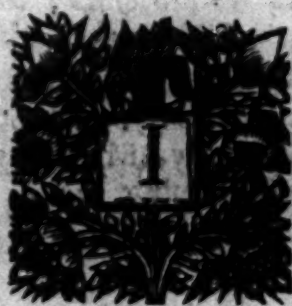
Your Thankful Servant,  
FRANCIS SMITH.





T H E  
C A S E  
O F

Francis Smith, Bookfeller, &c.



**I**N August last 1680. A small Book was Published, Entituled, *An Act of Common-Council*, formerly made, ( and not since repealed,) for Retrenching the Expences of the Lord Mayor, and Sheriffs; with Ten Reasons, for putting the said Act in present Execution; For which Publication, I was Bound over to the Sessions of Peace, held at *Guild-Hall, London*, on the Eight day of *September* following; Where one of the said Books, ( with this Annexed Bill of Indictment, ) was presented to the Grand Jury, held for the City of *London*.

*London*, ff. **M**emorandum, That at a *General Quarter Sessions of the Peace*, of our Lord the King, held for the City of *London*, at the *Guild-Hall* of the same City, and within the same City, on *Wednesday*, viz. the 8th. day of *September*, in the 32d. year of the Reign of our Lord *Charles the Second*, by the Grace of God of *England, Scotland, France and Ireland*, King Defender of the Faith, &c. Before *Robert Clayton Knt. Lord Mayor* of the City of *London*, *Sir Thomas Allen Knt.* and *Bart. Sir George Waterman Knt.* Aldermen of the City aforesaid; and others their Associates, Justices of our said Lord the King, for the keeping of the Peace of the City aforesaid; also for the Perpetrating, Hearing and Determining divers *Felonies, Transgressions*, and other *Trespases* within the said City done. A certain Bill of Indictment, against one *Francis Smith*, late of *London* Bookfeller; Then and there Exhibited, to *William Yearb, Richard Humphreys, Samuel Lamott, Elias Best, Henry Stephens, Thomas Stephenson, Thomas Fox, John Beare, Nicholas Godwin, William Meakings, Isaac Jackson, Henry Rogers, Francis Sowersby, John Barker, John Lloyd, William Hussey, and William Browne*, Jurors, then and there appearing, Impannelled and Sworn, to enquire for our said Lord the King, and the Body of the City aforesaid; by which returned Jury, was thus endorsed (*Ignoramus*,) which said Bill followeth in these Words, viz.



London, ff. **T**HE Jurors for our Lord the King upon their Oaths, present, that Francis Smith, late of London Bookseller, being a Man Seditious and Pernicious, Plotting and intending the Peace, and Common Tranquility of this Kingdom, to Disturb, and Discord Differences, and Ill Will, amongst the Citizens, and Inhabitants of the City of London, to stir up, Provoke, and Procure; Also the Mayor, Aldermen, and Sheriffs of the City of London, now in being, and the Mayor, Aldermen, and Sheriffs of the City of London, for the time past in great Odium Contempt, and base account to being; the same Francis Smith, the 17th. day of August, in the Reign of our Sovereign Lord, Charles the Second, by the Grace of God, of England, Scotland, France and Ireland, King, Defender of the Faith, &c. The two and Thirtieth at London, viz. In the Parish of St. Michael Cornhill, in the Ward of Cornhill, London, aforesaid, with Force and Arms, &c. Unlawfully, Wickedly, Maliciously, Scandalously, and Seditiously, Printed, and caused to be Printed, a certain Malicious, Scandalous, and Seditious Book, of and concerning the Expences of the Lord Mayors, Aldermen, and Sheriffs of the City aforesaid, in their Houses, in the time of their several Offices; Entituled, An Act of Common-Council of the City of London, (made in the first and second years of the Reign of Philip and Mary,) for Retrenching of the Expences of the Lord Mayor and Sheriffs, &c. Published with Additional Reasons for putting the said Act in present Execution, and now offered to the Consideration of all good Citizens, by some Well-wishers of the present and future Prosperity of the said City. Presented to my Lord Mayor, Aldermen, and Sheriffs. In which Book by the said Francis Smith, then so as aforesaid; He Published, Printed, and caused to be Printed; the same Francis Smith, then and there, viz. the day and year before mentioned, at the Parish and Ward aforesaid, Mischievously, Unlawfully, Wickedly, Maliciously, Scandalously, and Seditiously Printed, made known openly, and Published, Mischievously, Malicious, Scandalous, and Seditious Sentences, in these English words following, viz.

### R E A D E R,

**A**S by this Act you may observe, that our Predecessors taking notice, that the Extravagancies of Mayors and Sheriffs, caused (as they say,) almost all good Citizens to flee, and refuse the service; so to prevent that Mischief in the future, they limited them in their living to the Method directed by this Act. And if when little was Spent besides the growth of our own Country, Beer and Ale being then their Drink, they thought it their Wisdom to set bounds to Luxurious Profuseness, there is much more reason for it now, when Debauchery is come to that height, that the fifth part of the Charge of a Shrievalty is in Wine, the growth of another Country. And when Feasts, hardly heard of in former times, are risen to that Excess, as would be scandalous to mention, as those called the *Chequer* and *Spittle Feasts*, the first costing in Wine betwixt Seventy and Eighty Pounds; and the latter, after the pretended Service of God in hearing a Sermon, costs above Three Hundred Pounds to each Sheriff. And though much after this rate is the rest of the Year spent; yet when the Example of this Act is urged for laying aside these sinful Feasts, and reducing the rest unto this Pattern, which is a wholesome Law; some, who should see to the putting it in execution,

will

*heartily subscribe my self,*

Your Thankful Servant,  
FRANCIS SMITH.



will not hear of it; and possibly, because they would have others be as profuse as themselves have been, though there are these Reasons for a Reformation herein.

And these *Mischievous, Malicious, and Seditious Sentences*, in these *English* words following, *viz.*

Because nothing can tend more to the Advancement of any City or Country, than the having wise and good Magistrates; And that so long as the great expence of Shrievalties continue, the City must, (as this Act suggests,) have an Eye to Wealth, more than Parts or Vertue, in the Choice of their Sheriffs; And that such as their Sheriffs are, such will the Court of Aldermen be: And therefore as necessary for the good Government of this great City, the charge of Shrievalties ought to be reduced to such an Order and Method, as may be an Encouragement to Men of more Honesty, then Riches to serve the Place.

And these *Mischievous, Malicious, Scandalous, and Seditious Sentences*, in these *English* words following, *viz.*

No Man hath reason to be expensive in his Shrievalty: because though the Court of Aldermen hath a Rule for supplying, (as any die,) their vacant places out of those that have served Sheriffs, yet they make their Election to depend upon the uncertain humour of their Court, thereby frustrating (when they please all) Compensation for the Expence and Drudgery of a Shrievalty, as lately appeared in their Choice of Sir *Simon Lewis*, one of their present Sheriffs, rejecting Sir *Thomas Stamp*, who had served the Place several years before with good approbation, and was presented to them by the Ward he lives in as a deserving Person. And whereas each Ward when they want an Alderman, do present two Commoners to the Court, for them to chuse one; the Ward of *Bassishaw*, to the end that Sir *Thomas* might unavoidably be chosen, joynted the younger, (and not the elder) Sheriff with him, not thinking that an old Sheriff would be balked, to chuse one that had not served his Year; and yet notwithstanding, the Court by their Prerogative passed by Sir *Thomas*, to the disappointing of the Ward that sent him. And this Example, is, (I suppose) a good reason for Sheriffs in the future not to spend more in their Shrievalties than is necessary, when their Reward is so uncertain.

And these *Mischievous, Malicious, Scandalous, and Seditious Sentences*, in these *English* words following, *viz.*

Debauchery in this Expence is a Sin before God, and were it known, would be a scandal in the sight of Man; as appears, in that of Three thousand Pounds Expence in all manner of ways, above Five hundred Pounds is in Wine; when a Lord, or Gentleman, that formerly lived at the rate of Ten or Twelve thousand Pounds *per Annum*, did not, as is well known (but thirty years ago) spend an hundred Pounds in Wine.

To the great Scandal and Contempt of our said Lord the King, to the great Reproach and Scandal of the Authority of the Mayor, Aldermen, and Sheriffs, of the City aforesaid; to the great Disturbance of the Peace of our said Lord the King, to the Evil Example of others in the like Case offending, and against the Peace of the said Lord the King, his Crown and Dignity, &c.

IGNORAMUS.

WAGSTAFFE.

The



The Grand Jury having taken this Sacred Oath,  
hereunto annexed, in these words.

**Y**OU shall Diligently Inquire, and true Presentment make of all such Things and Matters, as shall be given you in Charge, or shall come to your knowledge, concerning this present Service; The Kings Council, your fellows, and your own, you shall well and truly keep Secret; you shall present nothing for Malice, or Evil Will that you bear to any Person; Neither shall you leave any thing Unpresented, for Favour nor Affection, Reward, or any hopes thereof; But in things that shall concern this present Service, You shall present the Truth, the whole Truth, and nothing but the Truth, according to your best Skill and Knowledge, so Help you God.

**T**He Grand Jury having taken this Sacred Oath, judged themselves under a Religious obligation, well to deliberate both upon the Book and the Indictment; and finding the Book (to the best of their skill and knowledge,) of no other tendency, but to encourage such as were vertuous, to take upon them the Government of the City of London, with such good Husbandry, and sober Methods, as might neither dishonour God, by excess in Feastings, nor yet ruine their own Families.

And finding a Bill of Judgment brought against me at the same time, for Publishing the said Book; charging it with the odious names, of a *Malitious, Scandalous, and Seditious* Book, and my self as *Printer and Publisher*, with the like Monstrous Titles, of being a Man *Pernicious, Seditious, Plotting* and intending the Peace and common Tranquility of this Kingdom, to disturb, and with force and Arms, *Unlawfully, Wickedly, Maliciously, and Seditiously*, to *Print and Publish* the said Book.

Did all with one unanimous voice agree, that they could not in their Conscience bring it in any otherwise then *Ignoramus*, and so threw it out.

This *Sessions of Peace* being that day *Adjourn'd*, till the 16th. day of the same Month. The Jury then had the Bill brought them in again, with their *Ignoramus scraped out*, as the Jury since have declared; upon which they examined the Officer (who was Witness to the Bill,) whether he would Swear that he believed in his Conscience Mr. Smith did *Print and Publish* this Book, *Maliciously, and Seditiously*, with an Intent to disturb the Peace of our Lord the King in this City, to which the Officer replied, *He durst not Swear that for his Life*; upon this they unanimously agreed to write *Ignoramus* again upon the Bill, and so returned it.

Upon which Sir George Jefferies then Recorder was much in Enraged, and gave the Jury many hard words, refusing to accept their Verdict, and returned them again the third time, with the said Bill. But they (in their Conscience, seeing no reason to alter their Verdict,) returned the Bill again *Ignoramus*.

Upon which Sir George Jefferies Vilified and Reproached the Grand Jury very shamefully in the open Court; upbraiding them with calling the Witness to repeat the Evidence over again, and then commanded a clear Barr, saying, God bless me from such Jury Men, I will see the Face of every one of them, and let others

heartily subscribe my self,

Your Thankful Servant,  
FRANCIS SMITH.



thers see them also, further adding, I will hear them repeat every Man of them, their own fence of this Bill, thus exposing them to all possible contempt.

The Barr being thus cleared, and the Grand Jury of substantial Citizens thus exposed, as if they had been a pack of Men, void of Honesty and Conscience.

Then the Clerk of the Peace according to Sir George Jeffries Command, calls every Man by name, and asked them whether Francis Smith was Guilty of the Bill brought before them against him, or not Guilty? Upon which every Man, one by one, being Seventeen in Number, returned Ignoramus.

Upon this Sir George Jeffries in a most Arbitrary manner, told the Jury they were upon their Oaths, and had gone contrary, which was their Sin of Perjury, Blasphemously; saying, It was Impossible for God from Heaven to Pardon their Perjury.

But the Jury persisted in their Verdict, and gave no Reflection.

Sir George being thus enraged, that he could not bend the Jury from their Just and Honest Verdict, calls out in the Court for Mr. Smith the Person Indicted, to come in; upon which immediately I appeared to know Sir George his pleasure; who replies, Mr. Smith you have the Countenance of an Ingenious Person, here are two Persons that this Jury have brought in Ignoramus, besides your self, and yet they are so ingenious as to confess the Indictment against them; and for their Ingenuity they shall find the Grace and Favour of this Court, and I cannot think to Fine them little enough. They shall be Fined but two Pence a piece for their Ingenuity in Confessing.

Well, come Mr. Smith, follow their examples; you see what they have done before your Face; And let me tell you, we know who hath owned both Printing and Publishing this Book formerly; And therefore now, shew your self as you seem to be, an Ingenious Person, and Confess, and try the Grace and Favour of this Court, and shame the Jury, that hath brought in a Verdict contrary to plain Evidence.

To this I replied, Sir, my Ingenuity hath sufficiently experienced the reward of your severity already formerly; and besides, I know no Law Commands me to accuse my self; neither shall I, and the Jury have done like true Englishmen, and worthy Citizens, and blessed be God for such a just Jury.

At my reply, Sir George was greatly Enraged, and although I had been three times quitted by the Jury, yet he committed me again to the Keepers of Newgate, saying, Provide presently very good Security, for I will assure you, I will have special Security for you, and till then you shall stand Committed: Take him into Custody; I was three hours thus detained in the Custody of one or more of their Keepers, and finding no remedy or relentings from him, was forced to give Ball by two responsible Citizens upon their Oaths, as to their Ability; and then Bound us three in a great Sum for my appearance at the next ensuing Sessions of Peace; and not content with that, he did bind me to my good Behaviour also.

Meeting with such severity from Sir George Jeffries, I thought it High time to be better prepared against the next Sessions following; and therefore applied my self to the Clerk of the Peace, desiring a Copy of the Bill against me, that I might advise with some Council learned upon it. (being now well satisfied Sir George was resolved, if possible to ruine me,) The Clerk replied it was very large and would Cost me Eight pence per Sheet; but if I would have it, it should be Copied out in two days time; when accordingly I came, his answer was, that Sir George Jeffries the Recorder had forbidden him to let me have a Copy, and he durst not without Sir George's Order; and therefore advised me to go to Sir George himself, and tell him that I had come to the Clerk for a Copy, and he durst not grant it without his Order; having been forbid by him, after the said Clerk had promised me.



Then I repaired to Sir George day after day, at least ten times; and several of those times two Neighbours with me; understanding it was by Law my right to demand it, paying their price;

One day I waited from ten till two of the Clock, before I could have any answer from him, and then his Clerk brought me word, (for he would not speak with me himself) *that his Master was indisposed, and would speak with no body of business that day.*

The next day I requested a Neighbour to go on my behalf, (the Sessions approaching, and I ignorant of the Charge against me,) to whom Sir George returned answer by his Clerk, *it was none of his business, and I must take the course the Law directed, for a Copy.*

Then I went to Council, and was informed that no Subject ought to be denied a Copy of his Indictment, paying for it.

Upon this I took my next opportunity at the Sessions held for Newgate in the Old Bayly, and there made my appeal to the Lord Chief Justice Scroggs, in the hearing of Sir George Jefferies; complaining what hard measure I had received from him.

Having waited above 20 times upon him and the Clerk of the Peace, in fruitless Journeys, for I could not obtain a Copy of my Indictment, having been thrice Indicted, and as often acquitted.

The Jury told me in open Court, it was according to Law, that I and every Subject ought to have a Copy of their Indictment, though brought in *Ignoramus*; and the reason of the Law was, that they might for wrong done them, seek their Remedy.

Sir George replied, *his private House was not a Court, and therefore he was not to meddle with ordering any such thing there,* (but here it is to be noted, his private House was a place fit to forbid me a Copy, which is contrary to Law, but not a fit place to do the Right he is Sworn to between King and Subjects according to Law;) having at last by the Judge his Order, obtained a Copy no less than 17 Sheets, Charging me to be a Man *Seditious and Pernicious, Plotting, and Intending the Peace and Common Tranquillity of this Kingdom of England, to disturb, and with force and Arms, Unlawfully, Wickedly, Maliciously, Scandalously, and Seditiously, to Print and Publish the Act* *fore said.*

And all my Crime (if any) is but Re-Printing an *Act of Common Council for Retrenching the Expences of Mayors and Sheriffs, with the Addition of Ten Reasons, why it should be put in present Execution*; For the encouragement of virtuous Men, to take upon them the Government of the City of London, with such good Husbandry, and Sober Methods, as might neither Dishonour God, by excessive Feastings; nor yet Ruine their own Families.

Which Book (notwithstanding Sir George Jefferies Opinion of it,) hath met with a very General Acceptance amongst sober Citizens, of the best Quality; and both himself and some others, could (if they please) witness the same; Yet divers such persons have wondred to them, and at them, for what they should be so much offended, or indeed why at all; much more, so to Harress me with multiplied charges Sessions after Sessions, and with continued restraints, and Bail upon Bail; and above all, distracting my thoughts continually, and wast-

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heartily subscribe my self,

Your Thankful Servant,  
FRANCIS SMITH.



ing my time from my Shop and Trade, to the Impairing of my Livelyhood, through such frequent absence from my Calling, to my damage, twenty times more then all the Money I have been forced to expend.

And at last when (suitable to Sir George his big Words to me, and exacting such high Bail for me, with his Terrifying Proceedings against the Jury, to the amazement of the Spectators, and gratifying his ambitious humours in contempt, and to the violation of our good *English Laws*;) I expected to have been brought to Tryal by the next *Impanneled Jury* the last Sessions.

Sir George let fall the Proceedings, and ordered me to be acquitted by *Proclamation*; and when I applyed my self since to him for *Reparation*; his Answer is, *he knew not of any wrong, or injury he had done me.*

And when since for *High Misdemeanours* he was summoned before the *Honourable Committee of Parliament*, he did so much forget himself and the great duty of a *Recorder*, as to say in the hearing of the *grand Jury*, and my self being there present, to that *Honourable Committee*, upon his own defence, *that he had not so much as Read the Book.*

*What not Read the Book, and yet permit and appoint me, (after a Grand Jury of Credible Citizens, had acquitted me) to be Indicted twice in one day, and after the same Grand Jury had so acquitted me three times, to treat them rather like French Slaves, then free born English Men.*

And because I would not follow his *Dictates*, against *Law*, and *Reason*, and my own Conscience, to give that worthy *Jury* all the Lie, by saying I was guilty, to Commit me into the Custody of the Keeper of *Newgate*, where I was under restraint above three hours; and after that would not discharge me, till I had given great Bail; nor then neither, without binding me to my good *Behaviour* till the next following *Sessions*; *And all this upon an Implicit Faith.*

For the Book he confessed he had not Read, nor knew the Contents of.

From such a Judge and such a Recorder of London, and such Judgement, good Lord deliver me, and may every true Citizen, and Right English Man say, Amen.

Now



Now having given this candid account of my trouble and charge, by reason of this Fierce Prosecution of me, for a matter wherein I was justified by my own Conscience, many (if not all) ingenious Men that consider'd it, and even by the Grand Jury of the great City of London, after so base and often repeated horrid Treatments of them to the contrary; insomuch that if they had not been Constant and Resolute Men, as well as Honest, I had in all likelihood been Ruined with my Family:

I hope it may not be Grievous to the Reader, if I give some short account of many former Sufferings, from Men of like Spirit with the Recorder, and the great Damage which my self and Family have Incurred thereby; which I do the rather mention, because I have good grounds to believe my case is much mistaken by some, for want of true Information.

In the year 1659. soon after General Monk came to London, under the notion of being a disaffected Person, and a Phanatick, I had my House frequently Searched for Armes, and all my Windows so Broaken, that my Lodgers which had yielded me above 50 *L.* per annum, durst not continue in the House, the Terrors of which Riotous Proceeding for two years after, kept my House from Lodgers; the loss and damage was made appear to the General, above Sixty Pounds, from whom I had many fruitless promises of reparation.

In the year 1660. I was three times a Prisoner in the Kings Messengers Hands at a Noble a day, about a small Book called the *Lords* *lowd* call to England; and some such little Books, to above fifty pounds Charge and Damage.

At the time of *Venners* Rising, though many of my Neighbours knew and testified, I had kept my Bed and Chamber six weeks, yet from a false suggestion by a Butcher Woman, and an Heath Woman, Ignorantly, or rather Maliciously informed the Multitude of the Inconsiderable Rabble then in the Streets, as if I were in the said *Venners* Rising, and had Armes hid in my House; upon which I was ten times Searched by that Lawless Company, my Goods Torn and Stole, Chests, Trunkes and Closet Doors broke open, and a Carbine put three times to my Brest to Shoot me; At last they Flailed me for White-Hall, one tore my Hair, another struck me down by a blow upon my Head; others pushed me so much on my Body, that I was not able for some time to turn my self in my Bed; had not the Train Bands then in St. Clements Church Yard, (knowing my innocency) rescued me, I had not in appearance got alive to White-Hall; this sore bout cost me above fifty Pounds.

In

heartily subscribe my self,

Your Thankful Servant,  
FRANCIS SMITH.



In *August*, 1661. A certain Book was Printed and Published, intituled *Mirabilis Annus*, or the yeare of Prodiges. Then did a Person of quality yet living, give me great encouragement for its Publication, as a Book grateful to the Authority, and of general caution to the Nation, both to behold and consider the works of God, and also to tremble for fear of his Judgments; but it so happened contrary to my expectation, that the very day it was published, one of his Majesties Messengers came to my shop, with a Warrant both to seize the Book and my Person, and carryed me before the then Secretary of State. where after Examination, I was committed to the *Gatehouse* Prison by this Warrant inserted.

**I**T is His Majesties pleasure that you take into your Custody the person of *Francis Smith*, Stationer, for having a hand in Printing and compileing dangerous Books, and that you keep him *close* Prisoner till further order from His Majesty, and for so doing, this shall be your Warrant. Dated at the Court at *Whitehall* this 15th. day of *August*, 1661.

Edward Nicholas.

To the Keeper of the Gatehouse, Westminster,  
or his Deputy.

This word in my Warrant *Close Prisoner*, proved a fatal word to me, as many still living can witness, for the Keeper improved it to a Tittle; there I was truly buried alive, it being a Prison famous for oppression of poor Prisoners, as many besides my self can notoriously witness.

For as soon as I was brought thither, a Stern Gaoler locked me up, and said, I must not see, nor have the Liberty of any Relations to visit me, without special order from the Secretary first obtained. This looked like cold entertainment to one unacquainted with such a condition. But this, and much more I found as truly performed, as promised, being locked up in a Room, where I had neither Chair nor Stool to rest on, and yet 10 Shillings per week must be the price, and before I had been there three nights, Seven Pounds Fifteen Shillings was demanded for present Fees. That is to say, Five Pounds to excuse me from wearing Irons, Ten Shillings for my entrance week lodging Five Shillings, sheets, Five Shillings Garnish money, the rest for Turnkey Fees; upon which I gave this answer, that I did not understand any just cause for imprisonment, much less to pay such Fees, and for wearing of Irons I would not pay five Groats to be excused, if he could by Law impose Irons on me, I would wear them. Upon this many cruel endeavours were used, whereby to exact consent of these Fees from me; and my afflicted Wife not suffered to speak with me but in the presence of the Keeper, after chargeable orders, for so much priviledge first obtained nay many times orders denyed for my Friends admittance; in the Presence of the Keeper, and my Window Casements must be nailed up, that I should not have the benefit of that common Air, which is every slaves birth-right. And when provision was sent for my necessary support, yet was that many times kept back. and frequent fasts imposed upon me, and what was sent for my Dinner at 12 of the Clock, must be given me 4 or 5 hours after, which I usually breakfasted with, and should be sure to want beere or bread, so I was forced to devise a way by a bag and a string to be let down in the night at a Window, to convey some necessary food to me; things continued thus several weeks, in which time for receiving a note at the Key-hole by an open Prisoner, sent from my poor wife then sick and weary with grief, and succesless travels; at my release I was taken out of this Room, and lockt up in a Trap door Room, about Twenty days, where I could hardly be heard with hallowing, it being a place for such as were condemned to dye; to be usually secured in. At this time, above Thirty Pound was spent to attempt my release, but all ineffectual.

Then was application made to the Judges of the Kings Bench, Westminster, and I had three chargeable *Habeas Corpus*'s before the cruel Gaoler would obey to bring me to the Bar, where upon my appearance, care was taken, that I carried in my hand the Copy of my Commitment, and presented it to the Lord Chief Justice *Foster*, who gave patient hearing to all my Complaints, disdaining the usage I had met with, and told the Keeper, if it should happen before my legal release I should dye by such usage, the Keeper should be indicted for his life.



At this time to my great amazement, a new Copy of Commitment was produced in Court, the contents whereof here followeth.

*The Prison of the Gate-house Westminster.* **I** Edward Broughton Knight Keeper of the Prison of our Lord the King of the Gate-house Westminster in the County of Middlesex to the Lord the King humbly certifieth, that before the coming of the writt to me directed to this schedule annexed, to wit, the fifteenth day of *August*. in the year of the reign of our said Lord the King that now is, &c. the Thirteenth, Francis Smith in the said Writt named, was taken at Westminster in the County of Middlesex, and there in the Prison of our said Lord the King of the Gate-house aforesaid, under my Custody detained by virtue of a certain warrant to me directed. The Tenour whereof followeth in these words,

"These are to will and require you in his Majesties name, to take into your Custody, and safely keep the body of Francis Smith of London Stationer, for that traiterously and seditiously he compiled, printed, and published a treasonable and seditious book, intituled several prodigies and apparitions seen in the Heavens from *August* the first 1660. to the latter end of *May* 1661. containing a collection of several former prodigies, mischievous events thereupon to Princes, and a forgery of diverse late false and feigned prodigies and impostures of the same kind, prognosticating thereby the like events to his Majesty, and thereby did trayterously and seditiously instill into the hearts of his Majesties good Subjects, a superstitious belief thereof, and a dislike and hatred of his Majesties Person and government, and prepared them to effect a damnable design for the destruction of his Sacred Majesty, and to introduce a change of the Government established; and for so doing, this shall be your warrant; given at our Court at Whitehall the fifteenth day of *August*; 1661. Edward Nicholas, To the Keeper of the Prison of the Gate-house Westminster or his Deputy. And this is the cause of the taking and detaining of the said Francis Smith in the Prison of our Lord the King, under my Custody, whose body at the day and place in the said writt contained, I have ready as by the said writt is commanded me.

Edward Broughton  
Knight.

My Council pleaded they knew nothing of that Copy till now, and gave evidence that the Copy I produced was taken from the Clerk of the Prison, for which he had 5 shillings; upon which I was remanded back again to Prison, till the next Term following; and here it may be remembered as an addition to the habit of cruelty attending that Prison; the Goaler notwithstanding (what the Lord Chief Justice Foster had said to him) forced me to go down into the Dungeon for above Twenty dayes because I could not raise him Seven pounds towards Chamber rent at that instant. Then upon renewed complaints and counsel charge, obtained order to be taken out of the Dungeon, and put up Stairs into a Chamber where I was again turned out within a week, at 8 of the Clock at night, while my poor Wife and two of my Children were eating, and they at that time of the night in the depth of winter, forced to seek their Lodging amongst strangers in *Tuttle-street Westminster*, and my self constrained to lye upon the bare boards in an open entry, where I continued the rest of my time till bailed out, being several weeks, sometimes lying on the ground; the rest in a Hammock.

In this time I was sent for to Whitehall, and in the presence of a Gentleman of quality yet living, and several others, was offered 100 pounds and present discharge, but to declare my knowledge (upon an imprecation) of the Authors or Printers of the aforesaid book. yet rather then occasion hurt to any, gave my self up to their utmost displeasure; and had recourse to many chargeable *habeas corpus*'s before I could obtain bail. By this imprisonment I lost my shop, and trade for two years, to above 300 pounds charge and damage, towards which I can truly say to this day, I never had directly or indirectly to the value of twenty pounds reparation from any person or persons whatsoever; though it hath been often suggested both by persons in authority and others, that competitors bore me out, which occasioned my bonds to be aggravated.

Since that time I have had ten chargeable restraints in the Kings Messengers hands at a noble a day, one of which in the months of *July* and *August* I was so often and dayly harrassed too and fro by Mr. L<sup>d</sup> *Essex*'s order between Whitehall and the messengers-house where I was prisoner upon fruitless journeys, neither obtaining bail nor discharge for 19 dayes together, that brought me

heartily subscribe my self,

Your Thankful Servant,  
FRANCIS SMITH.



me under such a fit of Sickness with a Feavour as reduced me to be distracted to that degree that I was held in my bed by strength, the truth of which *Mr. L' Estrange* may very well remember, for he often both came and sent, I being in appearance never like to goe abroad again, being so impaired that my tast, hearing, and memory are much weakened, to thisday. The real charge and dammage I sustained by this restraint and sickness, in my shop and trade one hundred pounds will not repair.

The other 9 restraints and tedious attendance upon his *Majesties Council, and Secretaries*, together with dyet and lodging at Messengers houses, with charges of Council orders and messengers warrants and fees, cost me above one hundred and twelve pounds.

In the year 1665. when the dreadful plague was in the City of *London*, I being then with my Family at my habitation in a small village near *Dorking in Surrey*, came part of the County Troop, and among other my innocent neighbours under the notion of being disaffected persons, I was carryed before the Lieutenancy of that County, who sent me with two more Prisoners to *Windsor-Castle*, and had not the good Providence of God ordered it so well, that that never to be forgotten, and worthy Gentleman *Sir Thomas Foster Knight and Justice of the Peace in the County*, been in my way, and believing my innocency respecting the crimes suggested against me: offering himself to the *Lord Mordaunt then Governour of Windsor-Castle*, to be bound body for body for me, An imprisonment there at that time had in all probability been my ruine, I being altogether a stranger to his Lordship; he was pleased so well with the testimony of *Sir Thomas Foster*, that he discharged me saying, I had ill neighbours, who had caused that trouble; and I should fare the better for it whilst I was in the Country, if any new occasions of trouble happened.

Immediately before that dreadful fire, that *Papists* brought upon *London*, in 1666. One *Mr. Lillycrop* a Printer, and another, both Servants to *Mr. L' Estrange* as his assistants in Surveying the Press, came to my Shop and Warehouse near *Temple Bar* with their General Warrant to sieze unlicensed Books, and took of *Mr. Allens, Mr. Bunnyans*, and others, with a number of Printed Depositions against the *Papists*, shewing their attempts and acts in the several Fires, barely as unlicensed; through the prejudice, the Licencers were pleased to take against the Authors, constrained my Printing them without Licence, being Books neither against Church nor State; Nevertheless, they took as many as two Porters could stand under, and carried them to *Mr. L' Estrange's* Lodging, then at the Kings Wardrobe; Some of which with much difficulty and charge was obtained again; the rest it's supposed the Fire took, to my real dammage above Fifty Pounds.

Upon that severe Act against Conventicles, in 1671. I had One Hundred and Forty Pounds Warrants against me, for being taken at several times at Religious Protestant meetings, upon which I lost my Shop and Trade above Six Months, being so eagerly pursued by one Justice *sabbs* and his Informers, as forced me by Night to remove my Goods from place to place nine several times, to prevent seizure which cost me, and lost me above One Hundred and Fifty Pounds.

Here be it remembred that from the meeting place where he took me, and others often, he also in an illegal manner brought workmen, and Cart, and toar down, seized, and carried away a large Gallery, with all the seats and formes



formes in the said meeting, converting them to what use he pleased for himself, or his favourites; coming often also to enquire of the officers of the Parish, where I dwelt, why there was not a seizure made; threatening them with a penalty in the act, as persons negligent, and when it was replied my door was still kept lockt that they could not obtain entrance; and they had been with the Lord Chief Justice *Keiling* for advice, who told them unless they could lay felony, murder or treason to my charge, the Law would not bear them out to break open the doors while shut against them, upon the penalty of the Conventicle Act, upon which, the said Justice *Sabbs* replied, can you not get some unhappy boys to go in at his Windows and open the door, and then you may make seizure of his Goods; thus the conservator of the Peace prompts the Civil officers to break the Peace contrary to his Oath, to oppress for filthy Lucre sake.

Some time after, two persons came to me, to procure the Printing of a certain Book, entituled, That neither Temporalities, nor Tythes, is due to the Bishops, Prelates nor Clergy, by any Gospel rule, and that Kings Princes and Lords Temporal may justly take the Temporalities and Tythes from them, and dispose of them for the defence and benefit of the Kingdom, and the relief of the poor, proved by the Laws and Practices of Twenty Kings of *England*, *Judah*, and *France*, and also by One Hundred and Twenty Authors besides, dedicated to the Kings most Excellent Majesty: One of them affirming he had great encouragements not fit here to mention; upon which I readily complied, but before it was finished, I was discovered, taken into Custody, by Mr. *L' Estrange* with a general Warrant and carried to *Lambeth house*, to appear before the then Bishop, but without hearing was dismissd, and remanded to *Whitehall*, but never came to a hearing, yet harrassed to and fro, and kept undischarged for Twenty weeks, sometimes in Custody, and sometimes at Liberty, to my real charge and damage at least Sixty Pound.

About a Book, called The Appeal from the Cabal at *Whitehall*, to the Parliament at *Westminster*; and the Book called The serious Queries against the Conventicle Act, proving it to be against the Laws of God, of Nature, and of *Magna Charta*; for which I was committed into the Custody of Five of the Kings Messengers by the Council Board, to above Fifty Pounds charge and damage.

In December, 1673. One Mr. *Ralph Carter*, and Mr. *Wickham*, Messengers, came to my shop near the *Royal Exchange*, with a Warrant to fetch me to *Whitehall*, where immediately they promised me either discharge or dismissal upon Bail, to attend some urgent occasions then lay on me. But instead of bringing me to any hearing, conveyed me to a Messengers house, where I was detained three Nights and three Days; upon which perceiving their design to put me to charges, I contented my self without either Bed, Fire or Food, excepting a couple of Rowls privately obtained, and one Pound of Raisons of the Sun, resolving that way to tire them out, either to accept my security for forth coming when Authority pleased, or immediately be brought to hearing; at length I was constrained to threaten them, that if they kept me longer, I should call out at Windows, and raise the streets upon them, for such illegal confinement; which at length after considerable contest for fees, I addressed my self to Authority in this following Petition.

In

heartily subscribe my self,

Your Thankful Servant,  
FRANCIS SMITH.



To the Right Honourable the Earl of ARLINGTON,  
Principal Secretary of State :

The CASE and COMPLAINT of Francis Smith.

Humbly Sheweth,

**T**hat on Tuesday the second of this instant December, by virtue of a General Warrant from your Hon. ur, I was apprehended by Mr. Ralph Carter Messenger, and from that time detained as a close Prisoner till Friday following in a Messengers House, denying me (notwithstanding my urgent and pressing occasions) to appear before your Lordship in order to my Examination, which was to my damage forty pounds and upwards.

That Mr. Carter denied me a Copy of the Warrant, or liberty with a Keeper to appear at my Shop to seal two Bonds, and deliver several Goods for Barbadoes, to the probable hazard of ruining my Trade as well as Credit ; although my necessity was at that time so urgent, that I offered Mr. Carter 1000 l. Bail for my appearance before your Honour : but he refused it, and confidently affirmed it was your Honours particular Order I should be so detain'd.

That after your Honours favour was obtained for my appearance at Whitehall on Friday, and His Majesties gracious Favour to discharge me upon Bail, (notwithstanding Mr. Carter's great incivilities to me) I gave him 20 s. for his Fee, who nevertheless on Monday the eighth of December instant, came after me into the City, where he demanded seven Nobles more, the which he said he would have ; and there in a very insolent manner (with many menacings, too tedious here to insert) affirm'd I was his Prisoner still, and that he would force me down to Whitehall in a Coach, if I would not give him his aforesaid Demands ; saying, Let me see who dares take you out of my hands : And the better to obtain the same, (as I imagine) did falsely and maliciously pretend that I had spoken dangerous words against the King and Government ; supposing thereby to affright me, that I might comply with such his illegal Demands.

That upon these proceedings I repaired to Counsel Learned, who advised, That I might bind Mr. Carter to his Good Behaviour and Indict him ; but your Honours Complainant was not inclined to any such Proceedings, till I had spread my Complaint before your Honour : In order to which, I repaired to Whitehall on Tuesday following, and was there assaulted, and attempted to be seized by Mr. Carter in the open Court again and again : but I refusing to go with, or submit to him, was pursued by him from thence almost to the Pall Mall, and there again was violently assaulted, forced, and dragged to a Prison-House, tearing my Coat and Cloak, which caused a great Tumult ; whereupon the People demanded of Mr. Carter, By what Authority he used me with that violence and cruelty ? Thereupon Mr. Carter produced your Honours Warrant, which His Majesty had most graciously discharged me from the Friday before ; and after all this, I was by him forced again to Whitehall, to appear before your Honour ; but Mr. Carter afterward pretending that your Lordship was not at Whitehall, he constrain'd me from thence to an Ale-house, and there detain'd me at least two Hours ; the said Mr. Carter still threatening my continuance as his Prisoner, on the pretences before alledged : So that I was constrained to call for the Master of the House, and desire him to send for the Lord Chief Justices Warrant, to bring us both before his Lordship ; upon this, Mr. Carter set me at liberty.

The Premises considered, Your Complainant humbly beseecheth Your Honour, That Mr. Carter may make Reasonable Reparation, or be left to a due Course at Law.

And Your Petitioner shall ever pray, &c.



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Since that time I have had ten chargeable restraints in the Kings Messengers hands at a noble a day, one of which in the months of July and August I was so often and dayly harrassed too and fro by Mr. L<sup>d</sup> Esstrang's order between Whitehall and the messengers-house where I was prisoner upon fruitless journeys, neither obtaining bail nor discharge for 19 dayes together, that brought me

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Immediately before that dreadful fire, that *Papists* brought upon London, in 1666. One *Mr. Lillycrop* a Printer, and another, both Servants to *Mr. L' Estrange* as his assistants in Surveying the Press, came to my Shop and Warehouse near *Temple Bar* with their General Warrant to sieze unlicensed Books, and took of *Mr. Allens, Mr. Bunnyans*, and others, with a number of Printed Depositions against the *Papists*, shewing their attempts and acts in the several Fires, barely as unlicensed; through the prejudice, the Licencers were pleased to take against the Authors, constrained my Printing them without Licence, being Books neither against Church nor State; Nevertheless, they took as many as two Porters could stand under, and carried them to *Mr. L' Estrange's* Lodging, then at the Kings Wardrobe; Some of which with much difficulty and charge was obtained again; the rest it's supposed the Fire took, to my real dammage above Fifty Pounds.

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Here be it remembred that from the meeting place where he took me, and others often, he also in an illegal manner brought workmen, and Cart, and toar down, seized, and carryed away a large Gallery, with all the seats and formes



In January following I had the second Impression Printing of a Book intituled, *A Treatise of Baptism, wherein that of Believers and of Infants, is examined by the Scripture*; written by *Henry Danvers Esq;* to which was both the Authors and my own Name and Sign. This Book having passed the first Impression under some countenance of *Dr. Parker*, and the Licensed Catalogue of Books published every Term; nevertheless one *Mr. Mearn*, *Mr. Vere*, two Messengers, Beadle and Porter to the Company of Stationers, enter'd my House without a Civil Officer, and searched every Room as well as my Warehouse, for the said Book; *Mr. Mearn* having but newly before, in his uncharitable diligence, seized near two thousand sheets of the said Book, pretending great zeal for the service of the Church of *England*: But the Reader may judge by what follows the contrary too too manifest: for in his assisting the Surveying of the Presses about four months before, and finding the same Book printing, he passed it with a Joke.

About February 10. he the said *Mr. Mearn* being then Warden, did with Warden *White* and the Beadle, come to the House of one *Mr. Redman*, a Bookbinder, and seized five hundred of the said Books, and carried them away; although the said *Mr. Redman* would have given Security for their forth-coming until I was made acquainted, and Authority should give a legal Determination; but *Mr. Mearn* said he would have them into his own custody, and damask or spoil them immediately: Upon hearing of which, I applied my self to the Lord *Arlington*, then Principal Secretary of State, and to the late Bishop of *London*, setting forth the usage I had met with, and requesting their Lordships favour, That neither I nor my Books might be condemned until a fair hearing, which was most readily granted. But before I could obtain a re-delivery of the said Books, in April following I had sufficient intimation that this Book (seized in pretended zeal to the service of the Church) was Re-printing for some of the same Persons that had seized mine; upon which I repaired to one *Mr. Downing's* House, a Printer in *Bartholomew Close*, where I found the sheet D. then printing; and in a short time after I learnt where a parcel of this stolen impression was binding: I then applied my self to *Mr. Mearn*, he being Warden of the Company, appealing to him of the injustice of this usage, viz. That he should be a chief Actor against me, for printing a Book (according to my belief the mind of the holy Scriptures for baptizing Believers.) And that now I both desired and expected he would seize and suppress this, being done by his Favourites, if not with his connivance. He replied, He must first send for the Barber and be trimm'd, and that it was not a seasonable hour; although it was eight of the clock in the morning in the month of May. Thus finding my Endeavours fruitless with him, and my own Books still under restraint, my Market lost, and at least forty or fifty pounds expended with continual absence from my Shop and Trade, in attendance and application to several Persons of Honour: from January till May, I was, as many know, constantly harassed to and fro; being a part of that time at *Windsor*, where the Court then was: On the fifth of which month, one *Mr. Randal Taylor* and *Mr. Thomas Sawbridge*, that had both been very instrumental in the seizing and suppressing of my Books, exposes to publick sale from Shop to Shop, that stolen Impression of the said Books, subscribing it in parcels to many Booksellers, with the Authors Name, and my Name and Sign to it; which stupendious way of Proceedings, and adding oppression to the oppressed, was designed, if possible to have ruined me and my Family.

Upon this unjust and monstrous dealing, I applied my self with one of their Books, and one of mine, to several Peersons of Quality, and among the rest, to the Right Honourable the Earl of *Shaftsbury*; then Lord High Chancellor of *England*, who was pleased highly to resent such hard measure; contributing his favour until it came to His Majesties Ear, who was graciously pleased to grant his Order for Restitution of my Books. And I wish *Mr. Mearn* would remember, in order to his timely Repentance and making me Restitution, how highly ill several Noble Lords resented his Procedures, when I complain'd in his hearing of his Injurious Practices at a Committee of Lords, where he appeared (*The Man of Confidence*) receiving such Just Reflections from the Lords, the Secretaries, the Attorney and Solicitor Generals, as might have precaution'd a Man of Modesty, though of no Religion, never

heartily subscribe my self,

Your Thankful Servant,  
FRANCIS SMITH.



ver to have appeared any more in such unjust and malicious Actions, as the sequel will discover.

Some little time after the present Lord of *London* was invested, Mr. *Mearn* (as I have good ground to believe) did mis-inform his Lordship touching me and my Warehouse, (wanting till then an opportunity to improve the sore disgust he had taken at His Majesties gracious favour in restoring me those Books Mr. *Mearn* had before seized, and declared if it cost him an hundred pounds out of his own Purse, I should never have them again; not being capable to do me that injury in the late Bishops time, who told him what he did against me, was matter of malice apparently, for that such and such Books, which the Bishop then named, were by his connivance vended, and every way as unfit to be published as mine) thereby obtaining a Council-Warrant, suggesting I had a private Warehouse wherein might be great numbers of the Book called *The Growth of Popery*, and *Advice to Grand Juries in order to the Election of a New Parliament*, discovering the many Grievances the Nation groaned under by the mis-proceedings of the late long Parliament: (Now my Warehouse, so suggested for private and dangerous, was in the open Street at the Globe Tavern near the Royal Exchange) Nevertheless on a *Saturday* in *July*, 1678. while I was sixteen miles off, came Mr. *Mearn*, with the then Deputy-Marshall of the *Kings Bench*, and several others, to search my Warehouse, (which but the week before, the same Marshall, with Mr. *L'Estrange* and others, had searched, and found nothing criminal) and demanded of my Son the Key, or they would break open the Door; but having ready entrance, found onely the Books which His Majesty had graciously restored two or three years before, with several other innocent Books; not one among them, I dare appeal to his own Conscience, reflecting upon Church or State, more then barely that of Baptism, respecting the time of administering: Nevertheless, he sent for a Cart and five Porters, imploying them to load the Cart with above two hundred pounds worth of several sorts of my Books, and carried them to Stationers Hall; obtaining from the present Lord of *London*, by false suggestions, an Order for Damasking or defacing them all: and so industrious was he, and Mr. *Randal Taylor* the Beadle, (one of those that had some time before printed and published the stolen Impression) that in two days from the seizure above fifty pounds worth was made good for nothing but to paste upon Trunks or Hat-Cases.

Their seizure was made on a *Saturday* towards evening, and on *Wednesday* following, by the mediation of a Person of Honour that hath known me for twenty years, I made my Application to the present Lord of *London*, that a stop might be put to the total spoil, till I had a fair hearing; and by his Lordships favour, with the message he sent to the then Master and Wardens, they spared no pains to put a stop to further spoil, and were contributory to all possible Restitution of what had been seized, spoiled and unspoiled.

Nevertheless by the first Seizure, before I could recover them again, which was about six months, attendance and charges cost me above 50 *l.* besides the loss of my Market, by their prodigious and wicked Act of printing an Impression of the same Books, while mine were under restraint, to my damage above 100 *l.*

The re-seizure of the same Books three years after, and as many other sorts as together loaded a Cart, at which five Porters were employed by the said Mr. *Mearn* and Competitors, with the spoil they made by Damasking, and Cost to recover, damaged me above 60 *l.*

In the whole, the first and last charge and damage above 210 *l.* upon moderate computation; besides many weeks time lost from my Shop and Trade, to my prejudice in probability equal to the rest.

In *August* 1679. there came forth a Pamphlet called *Observations on Sir George Wakemans Tryal*, the Author and Printer of which I knew not; but it being commonly sold, I had a proportion (by some hand or other sent me.) In *October* following, one Mr. *Stevens*, a Messenger to the Press, brought a Warrant from the Lord Chief Justice *Scroggs* to bring me before his Lordship, who was pleased to examine me as to the Author; but I not being capable to answer his Expectation in that, requested (for weighty considerations) I might not be committed, for it would much



at that season tend to my prejudice, and I had sufficient Citizens there present, who offered themselves for my Bail. His Lordship made answer, *I do not except against your Bail, they seem to be honest responsible Gentlemen; but I tell you, You shall to Goal, unless you presently tell me who was the Author of that seditious Pamphlet.* I replied, *My Lord, I cannot tell who was the Author; but believe my case bailable, and beg your Lordship to take Bail.* No, said his Lordship, *you may take your Habeas Corpus; I'll take no Bail; Make his Mittimus:* Which was done accordingly, as followeth.

**I** Have herewith sent you the Body of Francis Smith, whom you are to keep in safe Custody till he shall be discharged by due course of Law; Oath being made before me, That there was a great Parcel of that Scandalous Libel seen in his House or Shop, called Observations on Sir George Wakemans Tryal.

W<sup>m</sup> Scroggs.

Dated Octob. 24. 1679.

To Joseph Cooling Esq; Marshal  
of the Kings Bench Prison.

Upon this I had my *Habeas Corpus*, and in four days following was brought to the Kings Bench Bar, and so I was bailed; but an Information was put into the Crown-Office, whence a Summons came for a Trial at a time when I was under an extream Sicknes of a high Feaver and every-day-Ague, being brought so low, that I was not able to go cross a Room without help, of which the Physicians certified; and the Court was moved by Council to put off the Trial till it might please God to work my Recovery; but not prevailing, the Jury was Empannelled, and the Honourable Sir Thomas Jones, who sat as Judge, it seemeth advised my Council that they would refer my Case to the Court, and he would mediate with the Lord Chief Justice for Clemency; which to a tittle his Honour truly performed. At the same time, as I am credibly informed, Sir George Jeffreys, who was Council against me, made the like Promise, and was waited on the day before my appearance at the Kings Bench Bar, with a Request for his performance; but instead of making good what he had promised before many hundreds, he incensed the Court with such aggravating Expressions, as procured a Fine; which with the Crown-Office Charge and Imprisonment, with the charge of *Habeas Corpus*, and Tryal at Guildhall, cost me above 36*l.* besides a chargable Sicknes several months, much more to my charge and damage.

In December following, the aforesaid Mr. Stevens and a Constable came to my Shop with a Warrant to search for unlicensed Books; I desired to hear it read, and found it was a General Warrant signed by the Lord Chief Justice Scroggs, not expressing my Name nor Crime; upon which I replied, I should not obey it, for it was against *Magna Charta*, and therefore advised the Messenger at his peril neither to seize me nor my Books. About this time, seeing two or three sober Persons make a stand, I requested them to bear witness to what might happen; then the Constable replied, *Sir, My work is onely to keep the Peace, I shall meddle with nothing.* Well but Sir, said I, *I conceive 'tis your work as well to see the Peace is not broke, for neither my Name nor Books are mentioned in this Warrant, therefore 'tis against Law.* The Messenger alledged, That besides his Warrant, he had particular Instructions to seiz such and such things; and it would be worse for me, if I obeyed not: To which I replied, *Gods will be done, I will obey no General Warrant; I have long and often known what it was to suffer, and now by Gods grace I would know for what I suffered.* Upon this the Messenger was in a great heat, both threatening me, and perswading me much to obey his General Warrant. I replied, *Take heed what you do, and remember Empson and Dudley, that though they acted by an Act of Parliament, much greater then your General Warrant, yet going against Magna Charta, they were both hanged for their pains.* Upon this the Messenger and Constable departed.

A

heartily subscribe my self,

Your Thankful Servant,  
FRANCIS SMITH.



A few days after, the same Messenger came again with a particular Warrant, and brought me before His Majesty in Council; and after he had made Oath, gave Evidence, and charged me with refusing to obey his General Warrant, declaring, That I often threaten'd him with a Parliament, and *Magna Charta*, on purpose to discourage him from doing his Duty, and that he had more trouble with me than all the Booksellers and Printers in Town besides; And it was in vain for him to execute his Office, unless some course was taken with me; Further adding, *That I had Printed Queen Elizabeth's Association*, (which he then produced) and two Seditious Petitions for the Sitting of the Parliament, for which he then produc'd a Witness; Further complaining, *That I went up and down getting Hands to Petitions for Sitting of the Parliament*, and *That still as he came to search my Shop for Seditious Books*, I bid him have a care what he did, and bid him tell the 10 Letters of A Parliament upon his 10 Fingers, and that, sooner or later, we must have a Parliament, and then I must answer for what I did, on purpose to discourage me from doing my Duty: with many Aggravations too tedious here to relate. Upon the whole his general Warrant was read, but nothing was said to it. Then my Lord Chancellor asked me *Where I had the Association?* I replied, *As I was a Bookseller, That, as other Books, came to my hands; And besides, it had been formerly Printed in Queen Elizabeth's days, and I hop'd there was no hurt in Re-printing it;* His Lordship replied, *But the Queries in it was not then;* and I must find the Author, or be deemed Author my self. Then His Majesty was pleased to ask me, *If I had Printed Petitions for the Parliament to Sit, and promoted Hands to them;* To which I replied, *Yes, and please Your Majesty, with all my heart, and thought I could not do Your Majesty and my Country better Service, than to endeavour a Parliament at the time Your Majesty appointed, in January next.* After some further passages to this purpose, we were bid to withdraw; And after a short stay a Warrant was ordered for a Messenger to carry me to Newgate, where I remain'd in Custody, till delivered by *Habeas Corpus*, upon Bail; which Imprisonment hath already cost me above

10 l. 0 s. 0 d.

In January last, my Son was committed to the Kings Bench-Prison, upon suggestion of selling a Pamphlet called *A New years-gift*; and since an Information against him in the Crown-Office, which hath cost me near

12 l. 0 s. 0 d.

So that from the year 59. to the year 79: I have never had rest from Annual Troubles; A short Breviate whereof here ensues.

In 1659. the time that my Windows were broken, and Lodgers drove away two years together; the Charge and Damage was made a appear to General Monk then, above

60 l. 0 s. 0 d.

In the year 1660. three times a Prisoner in the King's Messengers hands; Charge and Damages above

50 l. 0 s. 0 d.

Upon Venner's Insurrection, my Charge and Damage amounted to above

40 l. 0 s. 0 d.

Upon my Gate-house Imprisonment 26 weeks, with loss of Shop and Trade two years; Charge and Damage

300 l. 0 s. 0 d.



Upon my restraint in Messengers hands, and Sickness got thereby through continued harrassings in the extreme heat of Summer, between *White-Hall, Fulham, Lambeth*, and Messengers Houses, which brought me to Sickness, till distracted, to that degree, to be held by Strength in my Bed for many days, to my real *Charge and Damage* above — } 100 l. 0 s. 0 d.

Upon 9 other restraints since in the King's Messengers Custody, with *Charge of Warrants, Bails, Orders and Discharges*, cost me — } 150 l. 0 s. d.

Upon a seizure of my Books with a *general Warrant* by Mr. *L'Strange's* Order, in 1666. barely as Unlicensed; a number of which shewed how active the Papists were in the several Fires that happen'd in and about *London*, I lost above — } 50 l. 0 s. 0 s.

Upon the severe Act against Conventicles, I lost my Shop and Trade many Months, to my real *Charge and Damage* above — } 150 l. 0 s. 0 d.

Upon 20 Weeks restraint under Mr. *Sumner*, Messenger, by Mr. *L'Strange's* order, about Publishing the Book asserting Temporalities and Tythes originally given and due to Princes for defence of the Kingdom, and relief of the Poor; I had real *Charge and Damage* above — } 60 l. 0 s. 0 d.

For the Book called *The Appeal from the Cabal at White-Hall, and serious Queries against the Conventicle Act*, I was committed into the Custody, of five of the King's Messengers, to my *Charges* above — } 50 l. 0 s. 0 d.

*Charge and Dampnified* by being taken up upon a *Warrant* in the hands of Mr. *Ralph Carter*, Messenger, and another Messenger, at a time when I had Goods to deliver, and two Bonds to Seal for *Barbadoes*, above — } 50 l. 0 s. 0 d.

About *June*, 1676. as many Books part seized, the whole made Imperfect, to the value of — } 50 l. 0 s. 0 d.

Mr. *Mearn* and some other Competitors improving *General Warrants* upon their private Peaks, to the height of Arbitrary Proceedings, seized 500 Books, and Printed an Impression of the same, to the Spoil of my Market, toge her with a second seizure two or three years after, with *Charges* of twice recovery, and the number of what was *Damaged*, and *Lost*, cost me, and dampnified me above — } 210 l. 0 s. 0 d.

In *October* 1679. Judge *Scroggs* committed me to the Kings Bench, which with *Habeas Corpus*, *Charges*, and Tryal at *Guild-Hall, Crown-Office*, *Charge and Fine* at the Kings Bench, with a fore Fit of Sickness occasioned thereby, *Cost* and *Damaged* me above — } 68 l. 0 s. 0 d.

In *December* 1679. my Imprisonment in *Newgate* and *Habeas Corpus* charge for Printing and Promoting Petitions for the *Parliaments* Sitting, and publishing *The Association of the Protestants in Queen E. days*, cost me in *Charge* about } 12 l. 0 s. 0 d.

In *January* 1679. My Son was also committed to the *King's-Bench-Prison*, upon suggestion of selling a Pamphlet, called *the New-years-gift for the Lord Chief Justice*; *Charges* of the Prison, and *Habeas Corpus*, cost near — } 12 l. 0 s. 0 d.

The

heartily subscribe my self,

Your Thankful Servant,  
FRANCIS SMITH.



The Total of these my publick Losses, and apparent Damages, upon a Moderate Computation, amounting to near *Fourteen Hundred Pounds*; In the whole series of which these twenty years, while by one Imprisonment 26 weeks together; kept so close Confin'd, as never (even in the presence of a Keeper,) allowed to see, or once appear at my own dwelling; Through which severe usage I lost my Shop and Trade for two years together; In Compensation or Support towards this, or any other Losses, I can truly say to this day, I never had Directly or Indirectly, to the value of Twenty Pounds Reparation, from any Person or Persons whatsoever.

*Though it hath been often suggested, both by Persons in Authority and others, that Competitors have born me out; upon which, occasion hath been taken to Minister greater Aggravation to my Bonds.*

And as a close of this my Afflicted Relation, be it remembred, that many of these my Sufferings both on my Person and Substance, were by general Warrants exercised on me; and without compassion, (by those Employ'd in Surveying, Printing, and Vending Books,) upon many others; of which a doleful Catalogue might be given, of several Persons by (in the General) near Arbitrary wayes, and particular or private Pieques, that have (from a flourishing condition,) been reduced to such poverty, as to Dye in Gaols; others not able to leave at their death so much as to buy a Poor 3 s. Coffin, to carry them to the Grave; Witness the truth of these Cases, in one Mr. *Brewster*, who dyed low some years ago in *Newgate*, and his Family reduced to such want, that his Wife lately lived upon Charity, and dyed under great Extremity. One Mr. *Calvert* dyed little less then in Prison, and his Family brought to total Beggery, that once lived Plentifully; Also one Mr. *Dover* a Printer dyed in *Newgate*, almost to the ruine of his Family, Mr. *L. Iwell Chapman* in the like manner, by continued Imprisonments, he and his Family ruined; others Fined above their ability, as late Instance shews; Others by like Imprisonments, also were ruined, by Persons Invested with Power of Surveying the *Stationary Trade*, abusing the same at pleasure; and even Wink, when, and where they please, as favour or Pieque Governs them; Seize as unlicenced, because others shall not sell them, and sell them themselves.

Even, buy what they Seize (to the ruin of perhaps Families,) for waste Paper one of another, as Partners in Iniquity, and sell the same for Vendable Commodity; yea some Persons goods Seised, because they shall not vend them; and others connived at to vend the same: I my self was kept a long time in the Messengers Hands, at horrid Charges, a Noble every day for Fees, a Mark a day Seisure, a Mark last day release; sometimes 5 s. 6 d. Order before released, with Diet and Lodging at proportion; and another of the same Trade, Print and Vend (with connivance) the same Book.

I had, as many yet know, 500 Books of a great value Seised at the Binders, forsooth the pretence not Licenced, and mine being taken from me, and near fifty Pounds spent after them, in order to recovery; some of the same Persons that made a great noise in the ears of Authority; Saying *they are against the Church, against the Church*; (at this time with such usage for ought they knew, I had not Money to buy Bread for my many Children.)

Yet



Yet the same Persons could Print, and Sell, and Connote at Printing, and Selling the same Book, Line for Line; yea, and a Conscience so tender or feared to put my Name and Sign to the same Book, and sell them City and Countrey over, as if their Selling could alter, or take away all the Venom pretended to be in them.

It was become a frequent Custom to Seize from some, and connive at others, to Print and vend the same.

And notorious it is that one Mr. B— a Printer was sworn against through a *Brick Wall*, as my Information saith, and utterly ruined from all visible probability of ever recovering; his Materials so broken and dampnified; as disabled him from his common customary ability of getting Bread for his Family. And what was his Crime? (a very great one, as most others before him here Incerted) he Printed, or was Printing a Speech made in common Council, by a Member thereof, for a Petition to His Majesty to Dissolve that (by some Worthy Patriots of their own accounted; and felt on: great Grievance of the Nation, the late long Parliament. And the Author of the said Speech, was many weeks kept in the Gate-house for his intended good Service. Were all the Ruins and Spoils that have been made, upon Booksellers, Printers, and Merchants in Books, and Haberdashers, Printed here, it would contain a Volume; Till therefore a further opportunity calls for it; I shall omit much more that might be here Incerted; Humbly Praying God Almighty to continue this Honourable Sessions of Parliament, from whom its not doubted, (when from more weighty Affairs they can condescend into the inspection of such Grievances,) but they will both Punish offenders, and make such provision, as Learned Men of great worth, may not Subject their Labour to the pleasure of an *Imprimatur*, or censure of Striplings to them; nor yet Booksellers and Printers wait the Justice and Favourable dispatch of a License, till their Markets be over, as is notoriously known, and felt by too many Witnesses.

Having thus given a short and true account of the sadness of my Sufferings and Damages, and also of the most that I have Received in reparation, I hope I shall neither be looked upon as an Unquiet and Troublesom Man, deserving those Afflictions I have undergone; nor as one that by Men of like unquiet Spirits have at least my Charges repaired; But that I may stand in the Eyes of Honest and Unprejudiced Persons, as a Man who desires to preserve my self and Family by my Trade, as well as I may; (yet have met with hard Dealings, great Sufferings and Losses, and these for the most part Illegally and Unjustly brought upon me, by the Malice of ill Men, which if I may obtain,) I have the desired end of this Narrative, and Subscribe my self a servant to all true *Englishmen*, while,

Francis Smith.

F I N I S.

heartily subscribe my self,

Your Thankful Servant,  
FRANCIS SMITH.



